

Exhibit 7

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

In the matter of:)
CONSUMER FINANCIAL) Case No.
PROTECTION BUREAU,) 9:23-CV-81373-DMM
 Agency,)
v.)
FREEDOM MORTGAGE CORP.,)
 Respondent,)

The deposition of CYNTHIA BERMAN
commenced, pursuant to notice, reported by
Jennifer Corb, a Court Reporter and Notary
Public, at the U.S. Attorney's Office, 615
Chestnut Street, Suite 1250, Philadelphia,
Pennsylvania, on April, 15, 2024 at 10:05 a.m.

1 A P P E A R A N C E S

2

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S T I P U L A T I O N

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It is hereby stipulated and agreed by and between

5

counsel for the respective parties that reading,

6

signing, sealing, certification and filing are not

7

waived.)

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9

P R O C E E D I N G S

10

11

CYNTHIA BERMAN,

12

CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND

13

HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS

14

FOLLOWS:

15

16

EXAMINATION

17

BY ATTORNEY RYAN:

18

Q. Good morning, Ms. Berman.

19

A. Good morning.

20

Q. My name is Hallie Ryan. I'm from the Consumer

21

Financial Protection Bureau and I'll be asking you

22

questions today.

23

Please state your full name for the record.

24

A. Cynthia Ann Berman.

25

Q. Have you ever been deposed before?

1 A. I have not.

2 Q. Are you represented by counsel today?

3 A. I am.

4 ATTORNEY RYAN:

5 Would they please state their names for
6 the record?

7 ATTORNEY KIDER:

8 Mitch Kider.

9 ATTORNEY OFAK:

10 Timothy Ofak.

11 ATTORNEY RYAN:

12 Okay.

13 If I could mark this is Exhibit 1. And
14 this Exhibit 2.

15 BY ATTORNEY RYAN:

16 Q. Does this look familiar to you?

17 A. Yes.

18 Q. What is it?

19 A. One is the notice of deposition and the other is
20 the attachment to it.

21 ---

22 (Whereupon, Exhibit 1, Notice of
23 Deposition, was marked for
24 identification.)

25 (Whereupon, Exhibit 2, Attachment to NOD,

1 was marked for identification.)

2 ---

3 BY ATTORNEY RYAN:

4 Q. And in the attachment, Exhibit 2, you'll see a
5 list of topics. Are you prepared to testify about
6 these topics today?

7 A. Yes, ma'am.

8 Q. What have you done to prepare?

9 A. We met with counsel and we reviewed at a high
10 level what you'd be asking.

11 Q. How long did that meeting last?

12 A. Several hours.

13 Q. Over one day, two days?

14 A. Most of it was one day. There was a brief meeting
15 that took an hour on a separate day.

16 Q. Are you using a memory aid today?

17 A. No.

18 Q. Did you also meet with anyone for your mortgage?

19 A. No.

20 Q. Did you meet or talk with anybody about this
21 deposition outside of the present with your attorneys?

22 A. No.

23 Q. Did you talk with Mr. Stanley Middleman about the
24 deposition today?

25 A. I have not.

1 Q. I want to make sure you understand how we will
2 proceed today. I'm going to lay out a series of
3 questions. You're to answer them as completely and
4 accurately as you can.

5 Do you understand that you've just taken an oath
6 to tell the truth?

7 A. I do.

8 Q. Is there any reason you cannot testify truthfully
9 today?

10 A. No.

11 Q. Are you on any medication that would affect your
12 ability to testify?

13 A. No.

14 Q. If you do not hear a question, please let me know
15 and I will repeat it. If you do not understand a
16 question, please tell me and I will rephrase it in a
17 way that you can understand.

18 The court reporter will take down everything we
19 say today, so please answer my questions audibly. Head
20 nods and uh-huhs don't come through clearly, so please
21 give verbal responses. Additionally, only one of us
22 can speak at one time, so the court reporter is able to
23 get everything we say. So even if you anticipate the
24 answer to a question or the rest of a question, please
25 let me finish asking it and I'll do the same for you

1 with your responses.

2 If you need a break at any time, please let me
3 know and I'll try and find a convenient stopping point,
4 just not while question is pending.

5 During the deposition, your attorneys may object
6 to certain questions that I ask. Unless your attorney
7 instructs you not to answer, you are required to answer
8 my question.

9 Do you understand that the testimony you provide
10 today may be used at trial?

11 A. I do.

12 Q. After the deposition today, you will have the
13 opportunity to read the transcript and make any
14 corrections that are necessary. But please know that
15 the Bureau will be able to comment on any changes that
16 you make in court.

17 Do you understand these rules?

18 A. Yes.

19 Q. Do you have any questions?

20 Today throughout the deposition, when I refer to
21 Freedom, I will mean the Freedom Mortgage Corporation.
22 When I refer to HMDA, I will mean the Home Mortgage
23 Disclosure Act. And when I refer to LAR, I will need
24 the loan application register that contains HMDA data.
25 What is your position at Freedom Mortgage?

1 A. I'm the chief compliance officer on regulatory
2 counsel.

3 Q. And how long have you been working at Freedom?

4 A. Twelve years.

5 Q. What did you do before working at Freedom?

6 A. I was a bank regulatory attorney at Banks Mortgage
7 Company, the Office of Thrift Supervision, and a large
8 law firm. So my entire career I worked in the
9 industry.

10 Q. Great. And where did you go to school after high
11 school?

12 A. University of Pennsylvania, undergraduate and
13 Villanova Law School.

14 Q. When did you graduate from law school?

15 A. 1979.

16 Q. Are you currently barred?

17 A. Yes, in the state of --- in the Commonwealth of
18 Pennsylvania.

19 Q. I have one of those, too. In Virginia a couple.

20 Let's talk through your various positions of
21 employment.

22 A. Okay.

23 Q. Where after law school did you start working?

24 A. The first job in the industry was at Manufacturers
25 Hanover Trust, which was at the time a very large money

1 center bank. And I focused first on consumer loans,
2 such as mortgage loans and auto loans.

3 Q. And what was your position there?

4 A. Associate counsel, I think. I didn't read my
5 resume before I came here, but that sounds --- that
6 wasn't it, it was close to that.

7 Q. Okay.

8 And how many years were you there?

9 A. For five years. I can't remember exactly. Maybe
10 between four and five years.

11 Q. Okay.

12 And where did you go after that?

13 A. Fidelity Bank, which was in Philadelphia, and it
14 was a depository institution, so I stayed in the
15 consumer and retail banking area of the legal
16 department. But I was able to add to my experience
17 depository products such as DDAs, savings accounts,
18 credit cards.

19 Q. And what was your position there?

20 A. Associate counsel. I'm sorry. I can get you my
21 resume if you'd like.

22 Q. That's no problem.

23 Did you work on any HMDA related matters there
24 that you recall?

25 A. I don't recall.

1 Q. Where did you work after that?

2 A. Another money center bank in New Jersey, UJB
3 Financial. And I did work in the same area, retail
4 banking and consumer loans.

5 Q. Did you work on any HMDA related matters there?

6 A. Again, I don't remember.

7 Q. About how many years were you there?

8 A. Three or four years.

9 Q. And where did you go after that?

10 A. I went to work at what was at the time a very
11 exciting area. It was called smart card development.
12 It was the debit card area, which is at the time it was
13 called a MAC card in this area. It was a joint venture
14 by four money center banks. And then the research and
15 development was focused on the smart card which is now
16 what we see in every chip, every credit card, every
17 metro card.

18 Q. What was your position there?

19 A. Counsel. I'm sorry, I don't know the exact title
20 that I had at each company.

21 Q. Did you work in any other HMDA related matter
22 there?

23 A. Not there, no.

24 Q. And how long were you there?

25 A. Three years, I think.

1 Q. And where did you go after that?

2 A. I went to Blank Rome, a law firm. And I
3 absolutely did work on HMDA matters there. I worked in
4 the financial services department of the company.

5 Q. You did work ---?

6 A. Yes.

7 Q. I just want to make sure I heard you right.

8 A. Yes.

9 Q. Okay, you did. What were the years that you were
10 the Blank Firm?

11 A. I'd have to get you my resume. I'm so sorry, I
12 didn't ---.

13 Q. Approximate?

14 A. Like two years, but I don't remember the dates.

15 Q. Okay.

16 And where did you go after that?

17 A. I went to American Business Financial Services
18 which was a client of Blank Rome, and it focused on
19 mortgages there and again did work on HMDA.

20 Q. Was that a mortgage lender?

21 A. It was a mortgage lender, and also other types of
22 credit.

23 Q. Okay.

24 What was your position there?

25 A. Counsel.

1 Q. And how many years were you there?

2 A. Four years.

3 Q. And where did you go after that?

4 A. I went to Transunion where the focus was on credit
5 reporting. We did not deal with HMDA there.

6 Q. And how many years were you there?

7 A. I'm sorry, I don't remember.

8 COURT REPORTER:

9 Could you speak up, please?

10 ATTORNEY RYAN:

11 Oh, I'm sorry.

12 BY ATTORNEY RYAN:

13 Q. Ballpark? One year, five years?

14 A. Three years.

15 Q. Okay.

16 A. Then I went to the Office of Thrift Supervision.

17 I went to the other side.

18 Q. And how many years were you there?

19 A. Two years.

20 Q. And what was your position?

21 A. Counsel.

22 Q. And what did you work on while you were there?

23 A. I worked on whatever was --- all kinds of orders
24 and topics that were covered by the --- that were under
25 the authority of the OTS. We had some very big

1 institutions in that division. I was in the northeast
2 division and so I had a lot of big matters pending.

3 Q. Was HMDA under the delegated authorities?

4 A. I can't remember.

5 Q. And where did you go after that?

6 A. I went to another mortgage company. I'll have to
7 get you the name of it.

8 Q. Okay.

9 How long were you there?

10 A. A couple of years.

11 Q. Okay.

12 And ---?

13 A. Franklin Credit. I'm sorry, it took me a minute.

14

15 Q. Great.

16 Did you work in any HMDA related matters there?

17 A. Yes.

18 Q. And where did you go after that?

19 A. A small bank. I'll have to get you the name of
20 that. I was only there for a year and I went there
21 just for a short period. I needed to be close to home.

22 Q. Okay.

23 Did you work on any HMDA related matters there?

24 A. I did not.

25 Q. Okay.

1 What was your position?

2 A. Counsel.

3 Q. And after that?

4 A. I went to Freedom Mortgage.

5 Q. Okay.

6 And what year was that?

7 A. 2011.

8 Q. Have you had the same job title since you started?

9 A. No, I started out as vice president, then senior
10 vice president and executive vice president.

11 Q. When did you receive those promotions?

12 A. I think --- I'll have to check my resume. I'm so
13 sorry, but I think I was vice president for five years
14 and then a senior vice president --- how many years do
15 we have left? I think I've been an executive vice
16 president for three years. I have to check. I'm so
17 sorry. I didn't prepare.

18 Q. No problem. It's just to the best of your
19 recollection.

20 A. It's not something I focus on.

21 Q. Throughout your time at Freedom Mortgage, have you
22 always worked on HMDA related matters?

23 A. I've worked on HMDA related matters, yes.

24 Q. Okay.

25 Have you always been within the compliance

1 department?

2 A. I've always been within the legal department,
3 which, and I've always been in charge of compliance.
4 And so the answer is technically yes, but we've
5 expanded the compliance department over the years that
6 I've been with the company.

7 Q. Okay.

8 So just so I understand, you've always been the
9 head of the clients of the compliance department, but
10 your title has received promotion ---

11 A. Correct.

12 Q. --- potentially as the company has grown?

13 Okay, great.

14 Who do you report to now?

15 A. I report to the Chief Corporate Risk Officer,
16 Suzanne Shuck.

17 Q. Okay.

18 And who did she report to?

19 Stanley Middleman, the CEO and president.

20 Q. Do you receive work from anyone else or directives
21 from anyone else?

22 A. I receive --- I don't typically receive work from
23 either of them. My job involves ensuring that the
24 company remains compliant. So my work is collaborative
25 with executives in the business, providing regulatory

1 guidance and implementing policies, procedures,
2 training to ensure that we are compliant.

3 Q. Do Ms. Shuck or Mr. Middleman direct you to do
4 certain tasks or implement certain directive?

5 A. Yes. They have generally delegated to me the
6 implementation of the compliance management system,
7 which involves all of the elements that I mentioned
8 previously. And I submit reports to the office of the
9 President, Mr. Middleman, Ms. Shuck, Mr. Molitor, and
10 others, monthly.

11 Q. How often do you meet with Ms. Shuck?

12 A. Sometimes daily, but at least weekly. No less
13 than weekly.

14 Q. Okay.

15 Do you have a standing meeting with her?

16 A. Yes.

17 Q. Okay.

18 And what about with Mr. Middleman?

19 A. I don't have a standing meeting with him, but I
20 have carte blanche to call him whenever I think it's
21 appropriate.

22 Q. Okay.

23 About how often do you do that?

24 A. Occasionally.

25 Q. Ballpark? Once a week?

1 A. No, not once a week.

2 Q. Once a month?

3 A. A few times a year. I interact with him in a
4 group setting with the office of the president members.

5 So this would be separate from that that I'm talking
6 about.

7 Q. Okay.

8 And are you a member of the Office of the
9 President?

10 A. I am not

11 Q. Okay.

12 Do you attend the Office of the President
13 meetings?

14 A. The monthly meetings, yes, I do.

15 Q. Okay.

16 Do you give presentations during those meetings?

17 A. I do.

18 Q. Every one?

19 A. Yes

20 Q. Okay.

21 Are those presentations written?

22 A. There's a deck that I submit. The style that
23 we've adopted is, a lot of it is oral.

24 Q. Do the decks provide an outline for the oral
25 presentation that you give?

1 A. Yes, for some of the topics.

2 Q. But not all of the topics?

3 A. Not necessarily.

4 Q. You mentioned you give updates to the Office of
5 the President during the monthly meetings to Mr.
6 Middleman quarterly. In addition to that ---?

7 A. Yeah, I wouldn't say quarterly. I would say as
8 needed. You know, I might just call him to let him
9 know something is going well.

10 Q. Okay.

11 A. Fortunately, I can give him good news a lot of
12 times.

13 Q. Do you call him to give him bad news?

14 A. If necessary, I absolutely do.

15 Q. What are the types of decisions that you are given
16 discretion over?

17 A. That's an interesting question. I don't work
18 independently that way. I would discuss any decisions
19 with the chief risk officer and the chief legal officer
20 because what I do is so highly regulated. So I may
21 have the authority, but I don't exercise it. You know,
22 I might --- I have a staff, so, you know, on particular
23 issues that arise, interpretations of a law or conduct
24 of testing of a certain type, I would make that
25 decision. I would update Suzanne Shuck when I meet

1 with her regularly.

2 Q. If you had a disagreement about something, who
3 would have the ultimate authority to make a decision?

4 A. Suzanne Shuck or Stanley Middleman.

5 Q. And what types of issues do you tend to escalate
6 to Ms. Shuck?

7 A. Let's see. I keep her closely apprised of HMDA
8 and our progress in compliance with HMDA. There's been
9 so much activity leading up to this moment in time that
10 we frequently discuss this topic. I also keep her
11 apprised of other exams that the CFPB is conducting and
12 other states are conducting, new projects that the
13 business is interested in, new products, some minor
14 issues that may arise. I keep her very well apprised
15 of what we're doing in compliance.

16 Q. And you mentioned you have weekly meetings with
17 her?

18 A. At least?

19 Q. At least?

20 A. Yeah

21 Q. All right. Okay.

22 A. I can --- she's always available to me.

23 Q. Has there ever been a time when you were told you
24 should have escalated an issue, but you didn't?

25 A. No.

1 Q. And what sorts of issues do you escalate to Mr.
2 Middleman?

3 A. Escalate is an interesting word. I keep him
4 apprised of key matters that are going on. So all the
5 CFPB exams, obviously. Well, not obviously. All of
6 the events surrounding HMDA and the situation, the
7 litigation, upcoming changes in the law, upcoming
8 announcements of the CFPB or one of our investors in
9 the secondary market, which are Fannie, Freddie.
10 Whatever he may ask. Sometimes he asks about something
11 and I investigate that and report back to him.

12 Q. You've mentioned this a little bit, but what are
13 the legal issues or statutes under your purview?

14 A. All the federal consumer financial protection laws
15 and regulations, most of which are implemented by the
16 CFPB. Do you want me to list them?

17 Q. That'd be great.

18 A. Okay, let's see.

19 Q. All the ones you can remember.

20 A. Okay. Truth of lending, RESPA, ECOA, equal
21 credit, fair credit, Fair Debt Collection Practices
22 Act, HOEPA. Truth of lending contains a lot of them,
23 the implementing regulations. How much would you ---
24 how far would you like to take it?

25 Q. That's great.

1 A. Okay.

2 Q. That's great.

3 And in your role, do you directly manage anyone?

4 A. Yes, I manage. I have six direct reports and then
5 several of those folks have direct reports.

6 Q. Who are the six direct reports?

7 A. Regulatory counsel. Do you want their names?

8 Q. That'd be great.

9 A. Okay. Sharon McMahon, David McGeorge, James
10 Keurek, Darlene Taylor, Jim Weigand, Catherine Panasik,
11 Mark Sgment, and then I also have a junior person who
12 reports to me directly who helps with exams. Susan
13 Colburn. I think that was more than six.

14 Q. That was eight. Do you also indirectly manage
15 anyone? You mentioned each of these ---?

16 A. Oh, and I forgot. I'm so sorry, I forgot Mitzi
17 Migault, her name is Doreen Migault. I'm so sorry, I
18 forgot her.

19 Do I indirectly manage people? I do as necessary.

20 I tend to let my managers manage their own teams. I
21 try to stay in the background and only get involved if
22 they need me. If they ask for me or if somebody
23 reporting to them wants my involvement.

24 Q. And how big is your full compliance team?

25 A. Right now it's about 25 people. It was as much --

1 - it was as large as 50 people. But with the change in
2 the interest rates and the economic changes, we
3 downsized some people.

4 Q. During the summer to 2019 to February 2021, how
5 big was your compliance team?

6 A. I'll check for you, but it was definitely in
7 expansion mode.

8 Q. So if it changed during that time, that's fine.
9 Maybe a range, approximately?

10 A. Maybe 35, let's just say.

11 Q. Have you received any formal training while at
12 Freedom?

13 A. In terms of management? Yeah, I take management
14 courses online that are offered through HR.

15 Q. And you mentioned you had significant HMDA
16 experience prior to coming to Freedom. What have you
17 done while at Freedom to develop your HMDA expertise?

18 A. I take webinars, attend conferences, work with
19 outside counsel. Especially when HMDA was revised
20 effective 2018, I was very active with the MBA and
21 attending their courses. We actually had --- Brodski
22 give us presentations on the new HMDA, and I've been
23 diligent about attending and participating in webinars
24 on the topic.

25 Q. And with your experience and knowledge in HMDA,

1 did you design Freedom's HMDA compliance management
2 system?

3 A. I did, yes, long with outside counsel and others.

4

5 Q. Did you make the final decisions about what
6 components were part of that program?

7 A. I would say along with others, I did

8 Q. Okay.

9 Who were the others?

10 A. And the Office of the President, Suzanne Shuck,
11 mostly in her role as chief corporate risk officer.

12 Q. Okay.

13 This is Exhibit 3.

14 A. This is the consent order.

15 Q. Correct, that was going to be my first question.
16 Do you recognize this?

17 A. Yes, it is the consent order that Freedom entered
18 into with the CFPB in June of 2019.

19 ---

20 (Whereupon, Exhibit 3, Consent Order, was
21 marked for identification.)

22 ---

23 BY ATTORNEY RYAN:

24 Q. And you were employed at Freedom ---

25 A. Correct.

1 Q. --- when this happened?

2 A. I was.

3 Q. What steps, if any, did Freedom take in late 2019
4 and 2020 to comply specifically with paragraph 2019?

5 Sorry, 29 of the consent order. It's on page ---
6 there's no page numbers on this. Oh, page nine.

7 A. Page nine?

8 ATTORENY KIDER:

9 --- page.

10 ATTORNEY RYAN:

11 At the top. I don't know why they put it
12 at the top.

13 ATTORNEY KIDER:

14 They're asking you about paragraph 29, so
15 take your time and read it.

16 THE WITNESS:

17 Okay

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

[illegible]

[illegible]

Row	Bar Length (approx. % of total width)
1	45
2	85
3	95
4	95
5	100
6	100
7	95
8	95
9	95
10	85
11	95
12	50
13	95
14	100
15	75
16	65
17	95
18	65
19	40
20	20
21	55
22	15
23	85
24	95
25	30

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A horizontal bar chart consisting of 25 rows. Each row begins with a small black square, followed by a black bar of varying length. The bars are distributed across the width of the chart area, with some spanning the entire width and others being very short.

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Row	Bar Length (approx. %)
1	10
2	15
3	45
4	12
5	40
6	8
7	42
8	18
9	88
10	95
11	92
12	25
13	45
14	95
15	15
16	50
17	95
18	92
19	10
20	20
21	10
22	40
23	95
24	65
25	90

Category	Percentage
1. Very high	100%
2. High	100%
3. Medium	100%
4. Low	100%
5. Very low	100%
6. Not sure	100%
7. Don't know	100%
8. No answer	100%
9. Other	100%
10. No response	100%
11. No data	100%
12. No information	100%
13. No data	100%
14. No information	100%
15. No data	100%
16. No information	100%
17. No data	100%
18. No information	100%
19. No data	100%
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21. No data	100%
22. No information	100%
23. No data	100%
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98. No information	100%
99. No data	100%
100. No information	100%

[illegible]

1 ATTORNEY KIDER:

2 I'm going to object to that. That's a
3 pretty ambiguous question. I'm not quite sure what you
4 were asking.

5 ATTORNEY RYAN:

6 On what grounds? Just ambiguity.

7 ATTORNEY KIDER:

8 Ambiguity, yeah.

9 BY ATTORNEY RYAN:

10 Q. Go ahead.

11 ATTORNEY KIDER:

12 Do you understand it?

13 THE WITNESS:

Year	Number of cases	Percentage of cases
2010	10	10.0%
2011	15	15.0%
2012	20	20.0%
2013	25	25.0%
2014	30	30.0%
2015	35	35.0%
2016	40	40.0%
2017	45	45.0%
2018	50	50.0%
2019	55	55.0%
2020	60	60.0%
2021	65	65.0%
2022	70	70.0%
2023	75	75.0%
2024	80	80.0%
2025	85	85.0%
2026	90	90.0%
2027	95	95.0%
2028	100	100.0%
2029	105	105.0%
2030	110	110.0%
2031	115	115.0%
2032	120	120.0%
2033	125	125.0%
2034	130	130.0%
2035	135	135.0%
2036	140	140.0%
2037	145	145.0%
2038	150	150.0%
2039	155	155.0%
2040	160	160.0%
2041	165	165.0%
2042	170	170.0%
2043	175	175.0%
2044	180	180.0%
2045	185	185.0%
2046	190	190.0%
2047	195	195.0%
2048	200	200.0%
2049	205	205.0%
2050	210	210.0%
2051	215	215.0%
2052	220	220.0%
2053	225	225.0%
2054	230	230.0%
2055	235	235.0%
2056	240	240.0%
2057	245	245.0%
2058	250	250.0%
2059	255	255.0%
2060	260	260.0%
2061	265	265.0%
2062	270	270.0%
2063	275	275.0%
2064	280	280.0%
2065	285	285.0%
2066	290	290.0%
2067	295	295.0%
2068	300	300.0%
2069	305	305.0%
2070	310	310.0%
2071	315	315.0%
2072	320	320.0%
2073	325	325.0%
2074	330	330.0%
2075	335	335.0%
2076	340	340.0%
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2079	355	355.0%
2080	360	360.0%
2081	365	365.0%
2082	370	370.0%
2083	375	375.0%
2084	380	380.0%
2085	385	385.0%
2086	390	390.0%
2087	395	395.0%
2088	400	400.0%
2089	405	405.0%
2090	410	410.0%
2091	415	415.0%
2092	420	420.0%
2093	425	425.0%
2094	430	430.0%
2095	435	435.0%
2096	440	440.0%
2097	445	445.0%
2098	450	450.0%
2099	455	455.0%
2100	460	460.0%

24 BY ATTORNEY RYAN:

25 Q. Did Freedom hire any additional new people during

1 this period?

2 A. We did. We hired two, both of whom had
3 considerable experience. Jeff Robb and Brigid Brooks.
4 And then Tracy Hatt-Doering was the third one who had
5 extensive regulatory experience before she came to us,
6 and for a considerable period of time ran the ---
7 managed compliance, the HMDA compliance function.

8 Q. Okay.

9 When were each of these individuals brought on?

10 A. Jeff was brought on in 2019. Brigid was brought
11 on initially because Laura Clark was going on maternity
12 leave and she was brought on to keep things
13 administratively moving in the progress of implementing
14 the consent order.

15 Q. So when approximately?

16 A. I'm sorry, I don't remember exactly. Either late
17 2019 or 2020. I just can't remember. I'm sorry.

18 Q. Okay.

19 And what about Tracy Hatt-Doering?

20 A. Tracy came on board during COVID. So that would
21 have been in 2020.

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED] [REDACTED]

[illegible]

21 ATTORNEY RYAN:

22 I'm not wearing a watch. Will somebody
23 keep track for me?

24 ATTORNEY KIDER:

25 It's almost an hour. It's five of 11:00.

1 ATTORNEY RYAN:

2 Okay.

3 BY ATTORNEY RYAN:

4 Q. How are you doing? Do you need a break?

5 A. No, I'm fine, thanks.

6 Q. Okay.

7 ATTORNEY KIDER:

8 Unless you need a break.

9 ATTORNEY RYAN:

10 No, I'm good. Just I neglected to wear a
11 watch today.

12 THE WITNESS:

13 Me too. I know the feeling.

14 ATTORNEY RYAN:

15 This is Exhibit 4, I believe.

16 ---

17 (Whereupon, Exhibit 4, Email Chain 2/4/20
18 "Catch Up", was marked for
19 identification.)

20 ---

21 BY ATTORNEY RYAN:

22 Q. Do you recognize this document?

23 A. Yes. Well, I actually do not, but I'm familiar
24 with this --- no, I don't recognize it in particular,
25 but it seems like something that would have occurred.

1 Q. Any reason to doubt that this is an accurate copy
2 of an email?

3 A. There is not any reason to doubt it. Thank you
4 for rephrasing that.

5 Q. Of course. I'm going to start with the last email
6 that starts on the bottom of the first page and goes
7 under the second page. That's an email from Ms. Suzy
8 Shuck, who you've mentioned before. That's the same
9 person?

10 A. That is the same person.

[illegible]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 ATTORNEY RYAN:

20 If we are going to take a break, it is a
21 good time to do that. So why don't we go ahead and
22 take the first break?

23 ---

24 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

25 ---

1 BY ATTORNEY RYAN:

2 Q. Did Freedom submit HMDA data to the Bureau for
3 loans or applications with action taken date in 2020?

4 A. Yes.

5 Q. When did Freedom submit that data?

6 A. February 25, I believe.

7 Q. And who was responsible for that submission within
8 Freedom?

9 A. I was responsible.

10 Q. Who actually submitted it?

11 A. Oh, Mike Young.

12 Q. Describe the process, an overview is fine, of how
13 Freedom submits HMDA data.

14 A. Okay, so it's a long process. It starts with the
15 ongoing, continual running of QuestSoft, and that
16 happens continually and the reports happen weekly. And
17 I don't know how familiar you are with that function,
18 that software. But what happens is you can program ---
19 you can ask for reports, so the output is a report
20 whenever you --- we ask for it with validity and
21 quality edits. And then whomever Mike reported to was,
22 I believe it was Ron Lucante in 2020, would go through
23 the items with Mike, and Brigid was also --- Brigid
24 Brooks was also involved at that point. And they would
25 go through and address the root cause, working with the

1 business people. And if anything were not cleared,
2 they would let me know and we would investigate it
3 further to make sure that the information was
4 corrected.

5 Q. And in your role as chief compliance officer, did
6 you approve the 2020 submission?

7 A. I should have. If I did --- you know, I can't
8 remember, but it was my responsibility to do so.

9 Q. You don't remember if you approved it?

10 A. Well, according to our standard procedure, I would
11 have, but I don't have an exact memory of that year.

12 Q. And in your role as the chief compliance officer,
13 you are the person ultimately responsible for ensuring
14 the data reported is accurate.

15 A. Correct.

16 Q. We talked a little bit about this, but I want to
17 talk in detail about the compliance management system
18 for ensuring compliance with HMDA that Freedom had in
19 place during 2020. And at the time that Freedom
20 submitted its 2020 LAR to the Bureau. Did that change
21 --- and again, we've talked about this a little bit,
22 but over the course of, for instance, during --- let me
23 start over.

24 Did it change during the 2020 year and what were
25 the components of it at each time?

1 A. It changed because in that it became more robust.
2 There was more focus on ensuring the accuracy of it.
3 And so I think that's the way it changed.

4 Q. Okay.

5 And what would you say are the components of the
6 HMDA compliance management system?

7 A. The compliance policy, the HMDA policy, the HMDA
8 data points policy. There are some implementing
9 procedures in each line of business. HMDA data
10 collection. There was a LAR construction, I forget the
11 name of the procedure, but it addressed the particulars
12 of constructing the LAR. Certainly the training
13 component was a big component of it, and the different
14 ways that we monitored and tested the data.

15 Q. And let's talk about the different ways that you
16 monitored and tested the data. What were those?

17 A. We relied first and foremost on the QuestSoft
18 automated software reporting, testing and reporting,
19 because we --- in that particular year we had 779,000
20 entries, 77 million pieces of data. So it was very
21 effective for us to use an automated system generating
22 reports weekly to test the data.

23 Q. Any other component to the monitoring and testing?

24 A. We had the telephonic component reviewing the
25 telephone calls. We also had very robust quality

1 assurance, quality control functions that included a
2 review and validation of a lot of the elements that are
3 in the HMDA LAR and we've discussed those a bit.

4 Q. Anything else?

5 A. We had a data governance team which was
6 implemented over time, but it had begun to work and it
7 was a team that was part of it, and they looked at the
8 data and reviewed the data to ensure that it was
9 accurately reported.

10 Q. Anything else?

11 A. That's all I can think of right now. Thank you.

12 ATTORNEY RYAN:

13 This is Exhibit 5.

14 ---

15 (Whereupon, Exhibit 5, Supplemental
16 Answers to Interrogatories, was marked
17 for identification.)

18 ---

19 THE WITNESS:

20 Thank you.

21 ATTORNEY RYAN:

22 Off the record.

23 ---

24 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD).

25 ---

1 BY ATTORNEY RYAN:

2 Q. I'll give you as much time as you need. We're
3 going to look at this a couple times, but I'm going to
4 look at page 11 for right now.

5 A. Okay.

6 ---

7 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD).

8 ---

9 THE WITNESS:

10 Okay.

11 I think I'm ready.

12 BY ATTORNEY RYAN:

13 Q. Okay.

14 And I'm sorry. It's going to be Interrogatory
15 numbers --- I'm sorry. First, do you recognize this
16 document?

17 A. Yes.

18 Q. What is it?

19 A. It's a Response to Interrogatories. It's the
20 Interrogatories from the CFPB and Freedoms responses.

21 Q. Starting on the very bottom of page ten,
22 Interrogatory six, the Bureau asked about various tests
23 and reviews done of covered loan files. And I just
24 want to compare what you said here versus just connect
25 the dots based on what you just told me. So in the

1 middle of that paragraph, subject to the foregoing
2 objections, Freedom states that prior to October 2021,
3 Freedom leveraged third party HMDA compliance software
4 on all HMDA reportable data elements, which
5 continuously evaluated data based on a set of
6 conditional and logical rules. Does that mean
7 QuestSoft?

8 A. Yes.

9 Q. Okay.

10 And then three sentences later, additionally
11 embedded in Freedom's data quality control were ongoing
12 tests of covered loan data elements. Is that the
13 quality assurance call monitoring you were talking
14 about?

15 A. It's not just that. It's the quality assurance
16 and quality control that I talked about regarding all
17 of the different elements of production alone
18 manufacturing process that include issues for TELA
19 compliance, the APR issues for ECOA and for
20 underwriting the AUS, automated underwriting credit
21 score. All of those elements that are required to be
22 reported for HMDA compliance are also required for our
23 compliance with the host of other consumer protection
24 regulations that are applicable for Freedom. So
25 that's. It was very comprehensive.

1 Q. Great. Okay, great.

2 ATTORNEY KIDER:

3 Done with this for now?

4 ATTORNEY RYAN:

5 For now, yes. To the side. We'll

6 probably refer to it later.

7 THE WITNESS:

8 It's very interesting.

9 BY ATTORNEY RYAN:

10 Q. I'd like to talk a little bit in more detail about
11 QuestSoft. Can you describe what the QuestSoft tests
12 are?

13 A. I can only tell you that it's a very detailed set
14 of rules that addresses all the different elements that
15 are HMDA reportable.

16 Q. What sorts of things do they test for?

17 A. I'm not --- I can't --- I can only tell you that
18 the --- like, I'm not the right person to talk about
19 the software. It tests the validity of the information
20 that we input and looks at the output. So that, you
21 know, if --- I'll just use a really simple example. If
22 the loan is in California and the zip code is in
23 Pennsylvania, that would be flagged.

24 Q. When did Freedom start using the QuestSoft
25 program?

1 A. We used a different system and that --- I believe
2 in 2019, but I'm not certain. I have to check that.

3 Q. Okay, so sometime after 2019.

4 A. Yeah. And we like it because it addresses all the
5 HMDA reportable elements.

6 Q. Okay.

7 Was it used throughout the entire 2020 year?

8 A. Yes.

9 Q. Okay.

10 Do you know the difference between validity and
11 quality edits?

12 A. I know that validity edits have to be clear. They
13 have to do with what I just described to you. There's
14 no, the data would make no sense without it, whereas
15 quality is a little softer and needs to be cleared.
16 But there's other secondary issues.

17 Q. Were you involved in the decision to use QuestSoft
18 as the primary testing tool?

19 A. Yes.

20 Q. Did you attend meetings with the vendor
21 representatives?

22 A. Yes.

23 COURT REPORTER:

24 Wait for her --- Wait for her to finish.

25 THE WITNESS:

1 I'm sorry.

2 BY ATTORNEY RYAN:

3 Q. Did you attend meetings with the vendor
4 representatives?

5 A. Yes.

6 Q. About how many meetings did you attend with them?

7 A. About a dozen. About 12.

8 Q. Okay.

9 Were there other representatives involved from
10 Freedom in those meetings?

11 A. Yes. Laura Clark was involved. Mike Young, I
12 believe, Ron Lucante, who's no longer with the company,
13 someone from IT, I can't remember who, but they would
14 be the ones to explain --- somebody from IT could
15 explain to you more fully what happens in the system.
16 I can just look at the output and tell you that it's
17 what we wanted. It's what we wanted to achieve.

18 Q. In your capacity as a 30(b)(6) witness today, did
19 you talk with any of those representatives who knew
20 more details about this program ---

21 A. Yes.

22 Q. --- learn more?

23 A. Not recently, no, I haven't. Not since --- not
24 recently, no. Not in connection with this matter.

25 Q. Okay.

1 Do you know if QuestSoft was able to detect if a
2 loan or application was missing from the LAR?

3 A. No, I don't see how that would have been possible.

4 Q. Okay.

5 Why is that not possible?

6 A. Well, QuestSoft looks at the information that's
7 input, so it wouldn't know what information wasn't
8 input.

9 Q. Was QuestSoft able to detect if a loan or
10 application on the LAR was not actually a HMDA
11 reportable loaner application?

12 A. No, because again, it captured data from our
13 system of record. And so if information in the system
14 of record show that something was an application,
15 QuestSoft would have pulled it in.

16 Q. Who was responsible for running the QuestSoft
17 reports in 2020?

18 A. Mike Young.

19 Q. And you mentioned this before, but how often were
20 they running throughout 2020?

21 A. Weekly.

22 Q. What would Freedom do if a validity edit was
23 triggered?

24 A. Well, first, Mike Young would identify it and then
25 work with likely his manager and Brigid Brooks and the

1 business people to figure out the root cause and then
2 correct it if it were appropriate. We would submit a
3 ticket to IT, information technology, to make the
4 correction in the system of record.

5 Q. And what would Freedom do if a quality edit was
6 triggered?

7 A. Something similar. We would look at all the edits
8 to try to figure out the root cause if it were
9 something like there's an abbreviation of avenue
10 instead of the full word. We would correct that or
11 determine that it didn't need to be corrected. We
12 would try to correct it, of course, just because, you
13 know, we want the LAR to go through and be accepted by
14 the CFPB smoothly, but that would be our approach.

15 Q. Were these procedures in any written policies or
16 procedures that Freedom maintained throughout 2020?

17 A. I don't believe in 2020 there was a written
18 procedure, but it was definitely, the procedure was
19 always done that way.

20 Q. Did you receive the QuestSoft reports?

21 A. I did.

22 Q. How often?

23 A. I received them throughout the year before each
24 quarterly filing, when we started filing quarterly, and
25 then in the last months leading up to the annual

1 filing.

2 Q. And who sent those to you?

3 A. Mike Young.

4 Q. Did you review them?

5 A. Yes.

6 Q. What would you review them for?

7 A. The validity and quality edits and to see if they
8 were cleared. And if not, I would meet with him.

9 Q. Did you know --- did you understand at the time
10 the difference between validity and quality edits?

11 A. The way I just described it to you, yes.

12 Q. Okay.

13 Did you at the time, have an understanding of the
14 specific edits, for instance, the logic applied in each
15 edit?

16 A. I don't understand the question.

17 Q. That's okay. Other than seeing whether or not a
18 validity or quality edit was triggered, did you
19 understand at the time why that edit would have been
20 triggered?

21 A. Yes.

22 Q. Okay.

23 So you were able to read the reports and decipher
24 the logic ---

25 A. Oh, yes.

1 Q. --- that was on the reports?

2 A. Yes.

3 ATTORNEY KIDER:

4 Okay, wait until she's done with the
5 question.

6 THE WITNESS:

7 I'm sorry, I'm sorry, I'm getting ---.

8 BY ATTORNEY RYAN:

9 Q. Did anyone else receive the QuestSoft reports in
10 2020?

11 A. Yes. Other members of the HMDA compliance team.
12 So it would have been Ron Lucante, Brigid Brooks, Mike
13 Young and me.

14 Q. Did anyone else review the QuestSoft reports
15 before the LAR was submitted on February --- in
16 February 2021?

17 A. All of the people I just mentioned.

18 Q. Did Freedom submit its 2020 LAR with quality
19 edits?

20 A. What does that mean?

21 Q. When Freedom submitted its LAR to the Bureau, were
22 quality edits triggered in the submission?

23 A. They were cleared before the submission.

24 Q. Okay.

25 So Freedom verified that each of those edits was

1 correct, or that the ---.

2 A. Freedom verified that the HMDA data was correct.

3 Yes.

4 Q. If we could open the Exhibit 5 again. If you
5 could look at page four. This is --- this table is
6 part of a supplemental answer to Interrogatory number
7 two, which asks, identify by data field each error in
8 the initial HMDA LAR including, but not limited to the
9 dates the errors were identified and describe the
10 reasons for the errors, the dates the reasons for the
11 errors were identified, and any actions you took to
12 address the errors prior to submitting the revised HMDA
13 LAR. On page four, Freedom has admitted to 2,366
14 errors in the action taken data field. Was this error
15 detected by QuestSoft?

16 A. It was not.

17 Q. Was this the sort of error that Freedom was --- or
18 that, excuse me, QuestSoft was designed to detect?

19 A. No.

20 Q. Before Freedom submitted its 2020 LAR did you know
21 that QuestSoft was unable to detect this type of error?

22 A. I didn't know that this. I knew that QuestSoft
23 could only detect information within the --- that was
24 fed into it. That was that QuestSoft couldn't
25 determine whether or not a field was populated

1 correctly. I'm sorry. Yes, I knew it. Why don't I
2 just answer your question?

3 Q. Thank you. Freedom has admitted --- I'm sorry.

4 Next page. Let's see. Okay.

5 On page six, type of purchaser. Freedom has
6 admitted to 49,042 errors in the type of purchaser data
7 field. Was this error ---?

8 ATTORNEY KIDER:

9 I'm going to ask the witness to read
10 Interrogatory and the answer before you take questions.
11 Start on page, I think it was on page three. You have
12 it?

13 THE WITNESS:

14 Yes.

15 ATTORNEY KIDER:

16 I think it's important that she have a
17 sufficient amount of time to read that all.

18 ATTORNEY RYAN:

19 Of course.

20 ATTORNEY KIDER:

21 Okay.

22 Make sure you're on the right page there.

23 THE WITNESS:

24 You want me to look at three?

25 BY ATTORNEY RYAN:

1 Q. Yes. We're interrogatory number two, which is on
2 page --- starts on page three.

3 ATTORNEY KIDER:

4 Yes, Interrogatory number two starts on
5 page three. I want you to read that because these
6 questions are coming along. Okay? And then she can
7 continue with her questions.

8 ATTORNEY RYAN:

9 Of course. We absolutely want you to
10 understand.

11 THE WITNESS:

12 Okay.

13 BY ATTORNEY RYAN:

14 Q. Looking at page six, the row type of purchaser,
15 here Freedom has admitted to 49,042 errors in the type
16 of purchaser field. Was this error detected by
17 QuestSoft?

18 A. So I'm not sure I agree that it was an error. It
19 was a change because we were capturing information from
20 a particular point in time. It was the correct
21 information, but the information changed later. This
22 data point has to do with the investor, the purchaser
23 of the loan on the secondary market. So that would
24 have been Fannie Mae, Freddie Mac, FHA, et cetera. And
25 the information that we submitted in the initial LAR

1 was correct. It was correct as of a point in time.

2 And that point in time changed. So to say it was

3 incorrect isn't really accurately portraying what

4 happened. And then QuestSoft wouldn't have identified

5 that. But our data governance team did identify it and

6 correct it.

7 Q. Okay.

8 When Freedom submitted its HMDA LAR February 2021,

9 was this change detected by QuestSoft?

10 A. No.

11 Q. Was the QuestSoft program designed to detect

12 errors or changes like this?

13 A. No.

14 Q. And before Freedom submitted its HMDA LAR in

15 February 2021, did you know that QuestSoft was unable

16 to detect this type of error or change?

17 A. Yes.

18 Q. The row right below that, the rate spread row,

19 Freedom has admitted to 49,235 errors in the rate

20 spread field.

21 ATTORNEY KIDER:

22 I object to the form of your question and

23 the characterization of admitting to errors. If you

24 want me to elaborate, I can, but I wouldn't say Freedom

25 has admitted to errors.

1 BY ATTORNEY RYAN:

2 Q. Supplemental answer. Freedom incorporates its
3 previous answer in addition, et cetera. Additionally,
4 Freedom states that the following data fields were
5 changed in the revised HMDA LAR because of the errors
6 identified below, as described more fully in Freedom's
7 responses to the CID, as cited below. Was this error
8 as described in the table detected by QuestSoft?

9 A. No, it was not.

10 Q. Was the QuestSoft program designed to detect this
11 error?

12 A. No, it was not.

13 Q. And on February 25th or 26th, whichever day
14 Freedom submitted its HMDA LAR, did you know that
15 QuestSoft was unable to detect this error?

16 A. Yes.

17 Q. The row that says lender credits. In this table,
18 Freedom admits to 12,474 errors in the lender credits
19 data field. Was this error detected by QuestSoft?

20 A. It was not.

21 Q. Was QuestSoft designed to detect this error?

22 A. It was not.

23 Q. And when Freedom submitted its 2020 LAR, did you
24 know that QuestSoft was unable to detect this error?

25 A. This type of error? Yes.

1 Q. And the following page, page eight, debt to income
2 ratio row. Freedom, here in this table, admits to
3 17,120 errors in the debt to income ratio data field.
4 Was this error detected by QuestSoft?

5 A. It was not.

6 Q. Was the QuestSoft program designed to detect this
7 error?

8 A. It was not.

9 Q. And when Freedom submitted its 2020 LAR in
10 February 2021, did you know that QuestSoft was unable
11 to detect this error?

12 A. I did.

13 Q. Immediately below that, combined loan to value.
14 In this row, Freedom admits to 2,894 errors in the
15 combined loan to value ratio data field. Was this
16 error detected by QuestSoft?

17 A. It was not.

18 Q. Was QuestSoft designed to detect this error?

19 A. It was not.

20 Q. And when Freedom submitted its 2020 LAR in
21 February of 2021, did you know that QuestSoft was
22 unable to detect this error?

23 A. Yes.

24 Q. Immediately below that, the row for property
25 value. Here, Freedom admits to 2,111 errors in the

1 property value data field. Was this error detected by
2 QuestSoft?

3 A. No.

4 Q. Was QuestSoft designed to detect this error?

5 A. No.

6 Q. And when Freedom submitted its 2020 LAR in
7 February of 2021, did you know that QuestSoft was
8 unable to detect this error?

9 A. Yes.

10 Q. Freedom has also admitted to 3,767 errors caused
11 by subordinate lien loan applications that did not
12 reflect the information collected by loan officers, for
13 the first lien loan. Was this error detected by
14 QuestSoft?

15 A. I believe that was. I have to go back and check.
16 I know it's referenced here generally, but I believe
17 that would have been because there were inconsistencies
18 between the first and second lien.

19 Q. Okay.

20 Do you remember if it triggered validity edits for
21 this error?

22 A. I don't remember specifically.

23 Q. Do you remember if it triggered quality edits?

24 A. I don't remember specifically, but if you like, I
25 can find this.

1 Q. Do you remember anything about how QuestSoft
2 detected this error?

3 A. It would have been because there's an
4 inconsistency. And again, this is my educated guess.
5 I have to go back and check.

6 Q. Sure, no problem. I'd like to turn now to the
7 call monitoring specifically for the race, sex,
8 ethnicity information in HMDA. When did Freedom first
9 implement this program?

10 A. Freedom's been recording its calls between the
11 consumer applicant and the loan originator for as long
12 as I work there, which is 12 years. And during that
13 time, there was a compliance monitoring program. So I
14 can't say specifically how long, but I can again check
15 for you.

16 Q. No problem. And what was the purpose of this call
17 monitoring program?

18 A. It was always to ensure compliance.

19 Q. What specifically was Freedom monitoring for?

20 A. The terms of the loan that were presented to the
21 consumer, the manner in which the loan originator spoke
22 with the consumer, ensuring that the statements made by
23 the loan originator were accurate and weren't in any
24 way distorting that loan terms.

25 Q. Did the monitoring include monitoring for correct

1 HMDA data?

2 A. Yes, I believe it did.

3 Q. Do you remember what data field?

4 A. I do not.

5 Q. Do you know how the calls were selected for
6 monitoring?

7 A. They were random.

8 Q. And during the June 2019 through 2020 period, who
9 was in charge of that program?

10 A. Well, Suzanne Shuck was in charge of HMDA, the
11 monitoring program for that specific --- I don't know.

12 I'm sorry, I can find out. I don't know who would have
13 been in charge of call monitoring for that entire time.

14 Q. This is during 2019 and 2020.

15 A. Oh, I'm sorry, I thought you meant sooner. Oh,
16 the people --- the person in charge of call monitoring
17 was James Messina.

18 Q. Okay.

19 Was he under your compliance in the organization
20 of the company? Did he report to you?

21 A. No, he reported into business executives, sales
22 executives, but he generated reports.

23 Q. And what role did you play in the call monitoring,
24 if any?

25 A. I reviewed the reports.

1 Q. Were you involved at all in the creation of the
2 program, in deciding what they were going to monitor
3 for?

4 A. Yes.

5 Q. Whenever that happened prior to 2019?

6 A. Yes.

7 Q. How often did you receive the results from the
8 call monitoring?

9 A. We had meetings monthly, and so at that point, he
10 would share the reports with me.

11 Q. Do you review them?

12 A. Yes, with him.

13 Q. What did you review them for?

14 A. The rate of compliance overall, the number of
15 calls that he and his team listened to, and the
16 results. The compliance measures.

17 ATTORNEY RYAN:

18 I'd like to mark this as Exhibit 6.

19 ---

20 (Whereupon, Exhibit 6, Government
21 Monitoring Call Monitoring QA Results
22 Data, was marked for identification.)

23 ---

24 THE WITNESS:

25 Thank you.

1 ATTORNEY KIDER:

2 Thank you.

3 BY ATTORNEY RYAN:

4 Q. Does this document look familiar to you?

5 A. The document does not. But the individual --- the
6 information does, yes.

7 Q. Is this the type of report that you would have
8 received?

9 A. Yes.

10 Q. Okay.

11 Do you have any reason to doubt that you wouldn't
12 have reviewed this document?

13 A. I had no reason.

14 Q. Can you describe what this document is?

15 A. It shows the results of the call monitoring in
16 different periods of time.

17 Q. The Bates pages are a little wonky. There's two
18 Bates numbers. The one we're looking for is the top
19 one. So Bates page 14. So this third page of the
20 document.

21 A. Okay.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

[illegible]

[illegible]

Row	Bar Length (approx. %)
1	45
2	15
3	65
4	85
5	10
6	80
7	100
8	90
9	95
10	60
11	10
12	25
13	30
14	25
15	25
16	70
17	85
18	30
19	60
20	40
21	75
22	70
23	15
24	95
25	100
26	95
27	75
28	30

Row	Bar Length (approx. % of total width)
1	95
2	100
3	98
4	65
5	35
6	15
7	80
8	95
9	90
10	98
11	92
12	100
13	98
14	95
15	15
16	95
17	100
18	95
19	100
20	95
21	100
22	100
23	100
24	100
25	100

[illegible]

[illegible]

Row	Bar Length (approx. %)
1	35
2	25
3	15
4	55
5	100
6	10
7	30
8	70
9	65
10	25
11	60
12	40
13	100
14	10
15	95
16	15
17	90
18	100
19	45
20	20
21	25
22	80
23	100
24	40
25	75

Row	Bar Length (approx. %)
1	10
2	50
3	100
4	90
5	10
6	25
7	65
8	10
9	20
10	30
11	25
12	90
13	20
14	35
15	95
16	55
17	15
18	70
19	95
20	65
21	15
22	70
23	85
24	15
25	95
26	25

[illegible]

Row	Bar Length (approx. % of total width)
1	95
2	98
3	100
4	98
5	95
6	40
7	70
8	15
9	55
10	30
11	95
12	95
13	20
14	15
15	25
16	80
17	20
18	25
19	80
20	20
21	25
22	60
23	95
24	25
25	85

[illegible]

■ [REDACTED]

■ [REDACTED]

3 ATTORNEY RYAN:

4 You could go ahead --- I'd like to mark
5 this document Exhibit 7.

6 ---

7 (Whereupon, Exhibit 7, Email Chain
8 2/18/21 "Call Center", was marked for
9 identification.)

10 ---

11 THE WITNESS:

12 Thank you.

13 BY ATTORNEY RYAN:

14 Q. Go ahead and take your time to read this document.
15 You did not receive this email, but do you have any
16 reason to doubt that this is an accurate representation
17 of emails between Ms. Brigid Brooks and Ms. Clark?

18 A. I don't.

19 Q. Did either Ms. Clark or Ms. Brooks ever raise
20 these concerns with you?

21 A. No.

22 Q. Did you share these concerns with the --- with
23 your knowledge of the results of the reports?

■ [REDACTED]

■ [REDACTED]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 Q. When did Freedom add more people to monitor the
16 calls?

17 A. Freedom always had a good number of people. I can
18 get you specific information about the numbers, but I
19 don't have that information in my head.

20 Q. Did Jeremy ever raise to you that he wasn't
21 receiving the call monitoring reports on time?

22 A. He did not.

23 Q. Or that the reports were not timely?

24 A. He did not.

25 Q. Sorry, one more. Was there a reduction in staff

1 at any point during 2020 with the call monitoring
2 efforts?

3 A. Not in 2020. In 2021, when the rates started to
4 increase and production dropped. But I don't --- it
5 wasn't this soon. It was later in 2021. And I don't
6 even know if it was 2021 or 2022. I'm sorry. 2021 was
7 a banner year. I believe 20 --- no, I'm sorry. 2021
8 was a very, very heavy year in originations because the
9 interest rates were historically low and that's the
10 year in which we had 779,000 entries. Calendar year
11 2021 was also a very high volume year and the interest
12 rates were still low, as I recall. So when she's
13 talking about --- I don't understand why she thinks we
14 had staff reduction. I'll be happy to go back and
15 look, but I don't know if we had staff reductions until
16 later. The staff reductions were in response to the
17 rapid and dramatic change in the market to keep the
18 company afloat. It wasn't a reflection of the lack of
19 importance of compliance. It was across the board.

20 Q. Do you remember, given the increase in volume in
21 2020 and 2021, did Freedom staff up its call monitoring
22 efforts at all?

23 A. I don't recall exactly, but I know that the entire
24 division staffed up, increased its staffing.

25 ATTORNEY KIDER:

1 What time are you thinking about breaking
2 for lunch?

3 ATTORNEY RYAN:

4 I have --- maybe like ten more minutes.

5 Does that sound good to everybody? Actually, you know
6 what? Now is probably good time.

7 ---

8 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

9 ---

10 BY ATTORNEY RYAN:

11 Q. I have a few follow-up questions Just to clarify,
12 a few of the things that you said earlier. Regarding
13 QuestSoft, you said your knowledge of the particulars
14 there was a little limited. Who would know more at
15 Freedom about how those --- what the specific tests
16 are?

17 A. Laura Clark and Mike Young and --- yeah.

18 Q. And do you still use the QuestSoft?

19 A. Yes.

20 Q. Okay.

21 Again, we did talk about this, but the quality
22 assurance testing, I'm still trying to understand
23 exactly how that ensures that HMDA data is accurate.
24 Can you explain that again?

25 A. Sure. The data that is tested by our quality

1 assurance team and also by our quality control team is
2 information that is HMDA reportable.

3 Q. Can you give me a few examples?

4 A. Sure. I think we've already talked about APR. We
5 can talk about, let's see, loan amount. Well, we know
6 action taken has some issues. All of the data fields
7 that you listed are HMDA reportable.

8 Q. Is this program, is it a computer program like
9 QuestSoft?

10 A. No, it's manual. It's done manually by people who
11 have specific directions on what to test.

12 Q. So they look at --- they're listening to the
13 calls?

14 A. No, they're looking at the loan files. They're
15 not listening to the calls at this point. That's a
16 separate group. We have a separate group whose only
17 focus was call --- listening to the calls. We call it
18 call monitoring, but it's listening to the recorded
19 calls, not live monitoring.

20 But there's another group in quality assurance,
21 and there are a couple of different groups, several
22 throughout the company, that review the information in
23 the loan file that is HMDA reportable. So starting
24 with loan amount, the loan purpose, the income of the
25 borrower, the credit report, the credit score, all of

1 those items that are listed. If I can just look at ---
2 we can go through a loan purpose, construction method,
3 loan amount, action type.

4 All of this information is reviewed either for
5 compliance or for credit by the credit quality control
6 team because it needs to be both compliant and it needs
7 to meet the credit criteria of each loan program. So
8 each loan is put through that kind of a process
9 manually. And that's why I'm so confident that the
10 information that we report has such a high accuracy
11 rate.

12 Q. What are they --- they look at the loan file and
13 are they looking for consistencies within the loan file
14 or do they compare it to something else?

15 A. They compare it to what's in the system.

16 Q. Lakewood ---

17 A. Yes.

18 Q. --- is the system? Okay. So they look at the
19 application --- maybe it's a paper application or an
20 online application ---.

21 A. Or an electronic loan file. We store everything
22 in an electronic directory. It's called EDMS,
23 electronic directory management system or document
24 management system.

25 Q. And they compare it to what's in Lakewood?

1 A. Yes.

2 Q. Okay.

3 And those are to ensure that there is consistency
4 between the two of those.

5 Is that right?

6 A. Correct. So that the information is --- that
7 information in our system is accurate and it's --- yes,
8 there's consistency. That's correct.

9 Q. Okay.

10 And then, so there's a program that makes sure
11 that the information from EDMS to loan files is what's
12 kept in Lakewood, which is Freedom's ---

13 A. Loan origination system.

14 Q. --- loan origination system.

15 A. Yes. It's not a program, it's a function. It's a
16 function that is conducted manually by human beings.

17 Q. Okay.

18 And the HMDA data is taken from Lakewood.

19 Is that correct?

20 A. Yes. That is correct.

21 Q. Okay.

22 Is there any program that compares and makes sure
23 that the information in Lakewood is what is the
24 information on the HMDA LAR?

25 A. It's one and the same. There wasn't --- the

1 information from Lakewood is what is used.

2 Q. That the correct information is pulled from
3 Lakewood onto the HMDA LAR.

4 A. That's data governance. That would be -- again,
5 it's a function, not a program. It's the function of
6 data governance to review the information that's
7 populated in the LAR, make certain that it traces back
8 to the appropriate point in the loan origination
9 system.

10 Q. Okay.

11 Do they have --- do they do this comprehensively
12 on a regular basis?

13 A. Yes, they update it. You know, it's a daily
14 dashboard. They update it daily.

15 Q. What is the dashboard?

16 A. It shows all the items that they reviewed and any
17 questions about whether or not it's the right
18 information that we need for HMDA.

19 Q. Okay.

20 So data governance is a team within IT, you said.

21 Right?

22 A. Yes.

23 Q. Okay.

24 About how many people work for them?

25 A. I think half a dozen. Like six or so.

1 Q. Are there written policies and procedures that
2 describe this review?

3 A. Yes, there is a written procedure.

4 Q. Okay.

5 Was it in place during 2020?

6 A. I believe it was, yes. I'm getting all my years
7 mixed up, but yes. Yes.

8 Q. Okay.

9 It'd be important to know ---

10 A. I know.

11 Q. --- if it was the case that if it was in place in
12 2020. Did they look at every single HMDA data field?

13 A. Yes.

14 Q. On a regular basis to ensure that the correct data
15 was being pulled into the HMDA LAR?

16 A. Yes.

17 Q. Were those results documented?

18 A. I believe so, yes.

19 Q. Okay.

20 Do you remember what those were called?

21 A. No.

22 Q. Did you receive them?

23 A. No. A representative of my team met with data
24 governance no less than weekly.

25 Q. Who was that?

1 A. At different times, it was different people. It
2 was Tracy Hatt-Doering, and now it's Laura Clark, even
3 though she's not a direct member of my team.

4 Q. During 2020?

5 A. It would have been Tracy. Well, no, she wasn't
6 here yet. I have to go back and check.

7 Q. Okay.

8 But you never saw the results of this?

9 A. I never saw the results of it, no.

10 Q. Did you instruct them to do it or this was
11 something they've always done. Was this a new program
12 that you instructed them to do this?

13 A. The data governance function was newly formed
14 during 2019, and then it expanded and became more
15 robust during 2020. I could have my years wrong there,
16 too. I'm sorry. I could have my year --- it could be
17 --- could have been 2020 and 2021. I'll have to check.
18 I'm sorry.

19 Q. So you don't know for sure?

20 A. I don't know for sure right now. I apologize.

21 Q. Okay.

22 So do you know for sure that data governance had
23 done this check before you submit, before Freedom
24 submitted the 2020 LAR to the Bureau in February of
25 2021?

1 A. No.

2 Q. Do you know, were they doing --- in addition to
3 the review from the loan file into Lakewood and
4 possibly data governance doing the look from Lakewood
5 into the HMDA LAR, was there anybody doing a comparison
6 between the HMDA LAR and the loan files? Doing any
7 sort of monitoring there?

8 A. That would have been covered, but that would have
9 been part of what happened after QuestSoft report was
10 run and the validity edits revealed certain issues.
11 Then at that point, the compliance team and the
12 business team would have reviewed the loan files.

13 Q. Okay.

14 You also mentioned the dashboard, the HMDA
15 dashboard. When did the dashboard start being used by
16 Freedom?

17 A. You know, I'm getting my dates mixed up and I
18 don't want to give you misinformation. I'm really
19 sorry.

20 Q. Sure.

21 A. I don't know why I can't ---.

22 Q. Sure. Okay.

23 We're going to move on from there. What is the
24 data to doc program?

25 A. A sampling of files is taken, and the data in the

1 system is compared to the loan files.

2 Q. Who was in charge of creating this program?

3 A. Well, Brigid Brooks was instrumental in creating
4 it.

5 Q. What were the necessary steps that Freedom took to
6 stand up this program?

7 A. We identified the appropriate people to be members
8 of the team, and we gave them access to the EDMS and
9 the other systems that they needed, and they needed to
10 have access to Lakewood, so we gave them appropriate
11 right to see the data in Lakewood so that they could
12 compare the two.

13 Q. Any other steps that needed to be taken to create
14 the program?

15 A. There was a procedure that was put into place and
16 formally documented, and they needed to be trained.

17 Q. When did these necessary steps get completed?

18 A. It was after the filing of the 2020 LAR, but I'm
19 getting --- I'm sorry, I have to go back and check.

20 Q. Okay.

21 Did you play a role in the creation of that
22 program?

23 A. I knew it was happening. I delegated it.

24 Q. Okay.

25 To Ms. Brooks.

1 A. To Ms. Brooks. And then later, Tracy Hatt-Doering
2 became involved.

3 Q. Do you remember when the policies and procedures
4 were finalized for the program?

5 A. I don't.

6 Q. Did you review them?

7 A. Yes.

8 Q. Were you in charge of approving them?

9 A. Yes.

10 Q. How many people worked for the program?

11 A. Four at the time. The last couple of years it was
12 four.

13 Q. And you talked about this a little bit. But how
14 does the program identify inaccuracies in HMDA data?
15 Or how does it ensure accuracy in HMDA data?

16 A. So much like the other types of quality control
17 and quality assurance reviews that take place by human
18 beings. Comparing the information in the loan
19 origination system to the information on the loan
20 documents. Individuals compare the two and identify
21 discrepancies. In this case, they're focused on HMDA
22 compliance.

23 Q. Did you receive the results of the program?

24 A. I received --- I discussed the results of the
25 program with Tracy when the --- when the program was

1 more mature. I made sure that I was in the loop on all
2 of the findings. Yes.

3 Q. Did Ms. Hatt-Doering or Ms. Brooks tell you if
4 they were identifying errors in the files that they
5 were reviewing?

6 A. Ms. Hatt-Doering did, yes.

7 Q. Okay.

8 Ms. Brooks?

9 A. She didn't communicate much to me. No.

10 Q. About how many times did you hear about the
11 program identifying errors?

12 ATTORNEY KIDER:

13 If you know, you can answer.

14 THE WITNESS:

15 Every week I had a standing meeting with

16 Ms. Hatt-Doering and every week we discussed all the
17 areas of her responsibility.

18 BY ATTORNEY RYAN:

19 Q. How many times did you hear about the program
20 identifying errors?

21 ATTORNEY KIDER:

22 I'm going to object on speculation. If
23 you know the answer, you can answer.

24 THE WITNESS:

25 I don't know the exact amount of time.

1 BY ATTORNEY RYAN:

2 Q. That's fine.

3 A. There are so many numbers you're asking me.

4 Q. If the program identified an error that Ms. Hatt-
5 Doering or Ms. Brooks thought was a systemic error,
6 what would Freedom do with that information?

7 A. Freedom would investigate their root cause.

8 Freedom being compliance. Ms. Hatt-Doering, in
9 particular, would work with the appropriate business
10 people, business partners, we call them, and identify
11 the root cause. If it involved technology, we would
12 loop in somebody from IT. And if the correction
13 involved technology, we would submit a ticket to the IT
14 department to have the information or the mechanism
15 corrected. If it involved training, we would have
16 involved the training department to draft training and
17 we would communicate the training change.

18 Q. Was there any program like this during 2020?

19 A. Not a specific adopt or data to doc program. But
20 keep in mind that we were using a very, very robust
21 HMDA compliance software and we had very comprehensive
22 quality assurance and quality control testing of all
23 the data elements, all of them that were reported.
24 So there wasn't a specific group within the
25 compliance team that was called data to doc. But, for

1 example, Mike Young was engaging in this sort of
2 activity every time he found the validity exception.
3 So I think it's misleading just to give you a yes or no
4 answer.

5 Q. How often were the sample --- or the data to doc
6 samples done?

7 A. There was an ongoing role of the four people in
8 that group. So when you say how often it was done, all
9 the time.

10 Q. About how many loans per month or ballpark is
11 fine, whatever you remember.

12 A. It was a limited number of loans, which is one of
13 the reasons that it's much --- maybe a couple of
14 hundred a month.

15 Q. And besides yourself, did anyone else see the
16 results of the data to doc program?

17 A. Yes, Laura Clark saw them. Suzy Shuck --- Suzanne
18 Shuck saw them.

19 ATTORNEY RYAN:

20 I'd like to mark this Exhibit 8, I think
21 we're on.

22 ---

23 (Whereupon, Exhibit 8, Second Response to
24 January CID, was marked for
25 identification.)

1

2 BY ATTORNEY RYAN:

3 Q. I'm going to switch gears a little bit. I am
4 going to be asking you take as much time as you need to
5 review. I am going to ask you about some things on
6 page seven.

7 ATTORNEY KIDER:

8 Cindy, you can look over as much of the
9 document as you may need to in order to answer
10 questions.

11 THE WITNESS:

12 Okay.

13 BY ATTORNEY RYAN:

Row	Bar Length (approx. % of total width)
1	95%
2	75%
3	95%
4	98%
5	95%
6	85%
7	85%
8	45%
9	85%
10	90%
11	80%
12	100%

23 ATTORNEY KIDER:

24 We're not doing this again.

25 ATTORNEY RYAN:

1 I'd like to mark this Exhibit 9.

2 ---

3 (Whereupon, Exhibit 9, Email 1/14/22

4 "HMDA Items for the Week of 1/10", was

5 marked for identification.)

6 ---

7 BY ATTORNEY RYAN:

8 Q. Okay.

9 Do you recall this email?

10 A. I don't.

11 Q. Do you have any reason to doubt that you received
12 it based on the fact you're CC'd?

13 A. I don't.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

Row	Segment 1 Length (approx. %)	Segment 2 Length (approx. %)
1	100	0
2	40	0
3	35	45
4	75	20
5	100	0
6	98	0
7	15	0
8	82	0
9	52	0
10	50	45
11	70	0
12	48	0
13	92	0
14	18	0
15	48	0
16	88	0
17	12	0
18	48	0
19	35	0
20	25	42
21	50	50
22	10	0
23	25	0
24	30	10
25	35	0

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

8 Q. In 2020, as a matter of company policy, did
9 Freedom consider property value in making a decision
10 whether or not to originate a conventional mortgage
11 loan?

12 A. I believe so, yes. It depends on the loan
13 program, just to be very specific.

14 Q. Okay.

15 Were there any conventional loan programs in which
16 Freedom did not consider property value?

17 A. I'd have to go back and check. I don't know, off
18 the top of my head.

19 Q. What is a property inspector waiver?

20 A. A property inspection waiver is used in place of
21 --- it's an interesting term, but it's used in place
22 of an appraisal.

23 Q. How does that work if you know?

24 A. I don't remember.

25 Q. Okay.

1 ATTORNEY RYAN:

2 This is Exhibit, what are we on?

3 COURT REPORTER:

4 Ten.

5 ATTORNEY KIDER:

6 Thank you.

7 ---

8 (Whereupon, Exhibit 10, Email Chain
9 2/25/21 "HDMA FMC 2020 LAR", was marked
10 for identification.)

11 ---

12 BY ATTORNEY RYAN:

13 Q. Okay.

14 Do you recall receiving this email?

15 A. I don't.

16 Q. Do you have any reason to doubt this authenticity?

17 A. I don't.

18 Q. Okay.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

[illegible]

█ [REDACTED]
█ [REDACTED]
█ [REDACTED] [REDACTED]
█ [REDACTED]

5 Q. Okay.

6 ATTORNEY RYAN:

7 Number 11.

8 THE WITNESS:

9 Thank you.

10 ATTORNEY RYAN:

11 I've got one more. It comes with an

12 attachment.

13 THE WITNESS:

14 Thank you.

15 ---

16 (Whereupon, Exhibit 11, Email 7/23/21

17 "PIW Reporting Property Value and CLTV",

18 was marked for identification.)

19 (Whereupon, Exhibit 12, Attachment to

20 Exhibit 11 Email, was marked for

21 identification.)

22 ---

23 BY ATTORNEY RYAN:

24 Q. Do you recollect this document?

25 A. I don't recollect either of them.

1 Q. Okay.

2 Do you have any reason to doubt their authenticity
3 or that you received this document?

4 A. No.

5 Q. Do you remember reviewing the attachment that Ms.
6 Brooks sent to you?

7 A. I don't.

8 Q. Do you remember her raising this issue?

9 A. Not specifically, no.

10 Q. Okay.

11 In your capacity as the chief compliance officer,
12 if Ms. Brooks had raised an issue like this, what would
13 you typically have done with that information?

14 A. I would've researched it myself, and frankly,
15 first figured out what she was, what issues she was
16 identifying here and correct it. If it were bad,
17 correct it.

18 Q. Did you do that here?

19 A. I don't remember specifically what was involved
20 here.

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

[illegible]

1 ATTORNEY KIDER:

2 Object calls for speculation. She said

3 for each one she says she doesn't know if it's true or

4 not.

5 ATTORNEY RYAN:

6 Okay. Mark this as Exhibit 12.

7 COURT REPORTER:

8 Thirteen (13).

9 ATTORNEY RYAN:

10 Or 13, I'm sorry. Thank you.

11 THE WITNESS:

12 Thank you.

13 ---

14 (Whereupon, Exhibit 13, Email 1/12/2022

15 "HDMA Change Needed - Property Value",

16 was marked for identification.)

17 ---

18 BY ATTORNEY RYAN:

19 Q. You are not in this email, but this is an email

20 from Tracy Hatt-Doering to Ms. Brooks, Mr. Young, Mr.

21 Ford on January 12, 2022. Do you have any reason to

22 doubt its authenticity?

23 A. Not the authenticity, but the content. You know,

24 people say --- people use my name sometimes, whether or

25 not it was accurate.

1 Q. So ---

2 A. I'm sorry, go ahead.

Page 10 of 10

— 10 —

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 Q. I'm going to go back to, where is it. Number
15 five, the supplemental interrogatory responses. It's
16 number five or Exhibit 5. And I'm going to ask you
17 specifically about the rate spread entry in the table.

18 It's on page six.

19 A. Okay.

20 Q. Just by way of background, can you, do you know
21 what rates --- what the rate spread calculation is?

22 A. I do.

23 Q. Okay.

24 Can you tell me?

25 A. Sure. It's the difference between the rate

1 offered to the borrower for the loan and the rates
2 offered at that moment in time to the most highly
3 qualified credit worthy borrowers getting similar types
4 of loans.

5 Q. Is that the first rate offered to the borrowers at
6 the APR?

7 A. Yes.

8 Q. And is the most qualified average rate? Is that
9 the APOR?

10 A. Yes.

11 Q. A-P-O-R described here. Freedom states that ---
12 go back to the table here. The following data ---
13 Freedom states that the following data fields were
14 changed in the revised HMDA LAR because of the errors
15 identified below as described more fully in Freedom's
16 responsive as cited below. And under the reason for
17 the change in the rate spread, Freedom gives three
18 reasons.

19 The first is that the rates rate was not
20 calculated based on the APR last disclosed to the
21 borrower during the reported period and the comparable
22 transactions APOR as of the date the loan's interest
23 rate was set. Can you tell me when did Freedom first
24 learn about these errors?

25 A. I believe this is one that we learned about during

1 the exam conducted by the CFPB.

2 Q. Does Freedom know when this miscalculation began?

3

4 ATTORNEY KIDER:

5 Objection to the term miscalculation.

6 You can answer if you know.

7 ATTORNEY RYAN:

8 I can rephrase.

9 ATTORNEY KIDER:

10 Okay.

11 BY ATTORNEY RYAN:

12 Q. Does Freedom know when it began calculating the --
13 - or calculating the rate spread not based on the APR
14 last disclosed to the borrower?

15 A. So I think that's a mischaracterization of what
16 happened. What happened is there were instances where
17 there was an additional --- let me just sit back for a
18 moment. It takes a number of weeks to manufacture a
19 mortgage loan. It goes from the conversations between
20 the loan advisor and the consumer that we talked about
21 earlier, and then the application goes to processing
22 for additional documentation. Then it goes to
23 underwriting, where the credit worthiness is
24 established and the ability to repay is established.
25 And then eventually it goes --- there are final

1 disclosures, and during that period of time, things
2 happen. There are people, they're human beings.
3 Sometimes they want more money or less money, or they
4 add a borrower, or they delete a borrower, a co-
5 borrower. So it's a very dynamic situation, and the
6 rate could change up until the last moment.

7 Sometimes people decide they want to, quote
8 unquote, buy down their interest rate or their APR by
9 paying points. Other times they want the least amount
10 that they can to bring to closing. So that factors in.
11 Sometimes there's a situation where in order to keep a
12 deal from going to our competitor, we offer the
13 consumer like a \$500 lender credit, or there's an extra
14 fee that popped up at the end that would be --- that we
15 offer to cover with a lender credit.

16 So all of that factors into the rate that can
17 happen very close to closing of the loan. And so that
18 can happen after the point in time when we pull the
19 information from the system of record Lakewood onto the
20 LAR. And that's what the situation was caused by. It
21 wasn't incorrect information, it was just information
22 that was later updated.

23 Q. Okay, understood.

24 What did Freedom do to fix these inaccuracies?

25 A. We put stops into Lakewood that would prevent the

1 disclosure of an --- the issuance of another closing
2 disclosure to a consumer without having the data
3 grabbed by the HMDA, by the HMDA, by QuestSoft. Sorry.

4 Q. Okay, sure.

5 Did the quality assurance and quality control
6 monitoring, was that capable of ensuring that the last
7 APR last disclosed to the borrower was on the HMDA LAR?

8 A. Yes, it would have been.

9 Q. How did it do that?

10 A. The quality assurance, it would have looked at the
11 information in the system and the information on the
12 last disclosed CD.

13 Q. In Lakewood? It would have compared the CD to
14 Lakewood?

15 A. Yes.

16 Q. Did it look at the HMDA LAR?

17 A. Lakewood and HMDA LAR are one in the same. The
18 HMDA LAR gets the information from Lakewood. So there
19 wouldn't be a distinction between the information in
20 Lakewood and the information in the LAR, except when we
21 grabbed it --- when we pulled the information from
22 Lakewood onto the LAR at an incorrect time. We're not
23 the last disclosure given to the borrower.

24 Q. So these errors were, you were reporting rates
25 that later changed. Is that what these errors are? Is

1 that what Freedom is saying?

2 A. Yes.

3 Q. How did it know?

4 A. QuestSoft didn't know, the manual reviews --- you
5 asked if the manual reviews were capable, that human
6 beings reviewing, were capable of figuring that out.
7 Human beings reviewing the information in Lakewood and
8 the information on the electronic loan documents would
9 have seen the mismatch.

10 Q. Were these loans that were not --- were these
11 errors just for loans that were not closed yet?

12 A. They wouldn't have been. These loans would not
13 have been closed at this point, but the loans could
14 have absolutely closed. I'm not sure I understand.

15 Q. So I guess I'm confused. The APR can change up
16 until closing, right?

17 A. Yeah.

18 Q. And the last disclosed APR at closing on the
19 closing disclosure?

20 A. Yeah.

21 Q. Is that the only APR kept in Lakewood?

22 A. No. There, well, that's a question I'll have to
23 go back and look. The last CD has to be given in
24 advance of the closing, right. And so the information
25 that was captured and --- the rate could have changed

1 after the point at which the data was pulled into the
2 HMDA QuestSoft.

3 Q. But that would have meant that it wasn't a closed
4 loan, is that right?

5 A. Well, at that point, it wasn't a closed loan.

6 Q. So Freedom was rate spreads for loans that weren't
7 closed yet?

8 A. It depends on the disposition in some cases, it
9 depends. There are different points in time at which
10 the rate may have changed. We may have changed the
11 rate. We may have under disclosed the rate and had to
12 do a corrective CD post-closing of probably 950,000
13 entries.

14 Q. Okay.

15 Okay. The second reason that Freedom gives is
16 that due to differences in the integrated rounding
17 formulas between Lakewood and Encompass, resulting in
18 relatively minor rate spread discrepancies. What is
19 Encompass?

20 A. Encompass is a loan origination system that was
21 used by our traditional retail business, which
22 originated about 7,000 of the entries that were on the
23 2020 LAR.

24 Q. Okay.

25 So can you tell me a little bit more about this?

1 The cost --- what happened here?

2 A. Freedom was, Freedom's LOS is Lakewood Proprietary
3 Loan Origination System that we built, we developed and
4 we modified. Encompass is a third party system that's
5 maintained by that third party. There were differences
6 in rounding up, rounding down the number of decimal
7 points.

8 Q. So how big of those differences, like, let me
9 rephrase that. How big of a difference would be
10 included in a rounding there? Like, how big could we
11 expect these differences to be?

12 A. Half a percentage point, right. Either up or
13 down. It wouldn't be any more than that.

14 Q. And then thirdly, in some instances, the APOR used
15 for with a rate spread calculation was slightly
16 different than the value and effect of the time the
17 interest rate on the loan was set. Can you tell me a
18 little bit more about that?

19 A. I would like to look at the response to
20 interrogatory number 25. Thank you.

21 ATTORNEY RYAN:

22 Exhibit 14.

23 THE WITNESS:

24 Thank you.

25 ---

1 (Whereupon, Exhibit 14, Supplement to
2 First Response January CID, was marked
3 for identification.)

4 ---

5 THE WITNESS:

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

23 Q. Okay.

24 Did the CFPB direct Freedom to resubmit its HMDA
25 data to correct these errors?

1 A. No.

2 Q. Did Freedom, in fact, resubmit the HMDA data to
3 correct these errors?

4 A. Yes, we did.

5 Q. I apologize if I've asked this before, but I don't
6 remember the answer. What steps did Freedom take to
7 fix these errors?

8 A. Well, this particular mapping issue would have
9 been corrected by the HMDA compliance team working with
10 the folks in IT to change the mapping, to move it to
11 the right point in time.

12 Q. Do you know approximately when that happened?

13 A. I'd have to check.

14 ATTORNEY KIDER:

15 Just let us know when it makes good time
16 for a break.

17 ATTORNEY RYAN:

18 Okay.

19 BY ATTORNEY RYAN:

20 Q. You mentioned that Mr. Young and Mr. Ford
21 conducted regular checks to make sure that the mapping
22 of this data was correct. Do you have any information
23 about why this error wasn't caught in those checks?

24 A. No.

25 ATTORNEY RYAN:

1 Okay, we can go ahead and take a break

2 now.

3 ATTORNEY KIDER:

4 Great. Thanks.

5

6 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

7

8 BY ATTORNEY RYAN:

9 Q. Okay.

10 Will you take a look at the supplemental

11 interrogatory responses again, the table? Page six.

12 I'd like to talk about the type of purchaser errors.

13 It also reasons also refers to the PID response. We're

14 going to want to look at the March 30th response that

15 you have. It's probably that, yeah, March 30th, pages

16 nine and ten.

17 A. Okay.

A horizontal bar chart with 20 rows. Each row consists of a small black square on the left and a corresponding horizontal black bar of varying length to its right. The bars represent percentages of respondents for different categories. The lengths of the bars vary significantly, with some being very short and others extending almost to the right edge of the chart area.

Category	Percentage
1	15%
2	10%
3	45%
4	25%
5	18%
6	75%
7	85%
8	95%
9	70%
10	10%
11	80%
12	12%
13	90%
14	95%
15	95%
16	90%
17	95%
18	60%
19	20%
20	95%
21	90%
22	55%
23	45%
24	95%
25	15%
26	95%

Row	Bar Length (approx. %)	Bar Style
1	100	Solid
2	45	Solid
3	90	Solid
4	98	Solid
5	95	Solid
6	75	Solid
7	70	Solid
8	88	Solid
9	15	Broken
10	45	Broken
11	55	Broken
12	75	Solid
13	90	Solid
14	100	Solid
15	85	Solid
16	90	Solid
17	95	Solid
18	92	Solid
19	88	Solid
20	85	Solid
21	90	Solid
22	15	Solid
23	45	Broken
24	40	Solid
25	25	Solid

[illegible]

Row	Bar Length (approx. % of total width)
1	45
2	95
3	100
4	98
5	80
6	95
7	55
8	35
9	95
10	65
11	98
12	90
13	85
14	95
15	95
16	70
17	35
18	50
19	30
20	20
21	30
22	65
23	25
24	40
25	30

■ [REDACTED]

■ [REDACTED]

3 ATTORNEY RYAN:

4 Exhibit 15.

5 COURT REPORTER:

6 Fifteen (15).

7 ATTORNEY RYAN:

8 Exhibit 16.

9 ATTORNEY KIDER:

10 What number is it, 16?

11 ---

12 (Whereupon, Exhibit 15, Response to
13 Information Request, was marked for
14 identification.)

15 (Whereupon, Exhibit 16, CFPB FUR 14 and
16 responses, was marked for
17 identification.)

18 ---

19 BY ATTORNEY RYAN:

20 Q. Okay.

21 Do you recognize these exhibits?

22 A. Generally I do.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 Q. All right.

14 How are doing?

15 A. We're doing okay.

16 ATTORNEY KIDER:

17 Do you need a break?

18 THE WITNESS:

19 No, I'm fine, thank you. Do you want a
20 break?

21 ATTORNEY RYAN:

22 No, I'm good, thanks.

23 ATTORNEY KIDER:

24 Let me play us this off the record.

25 That's all right.

1 BY ATTORNEY RYAN:

2 Q. Okay.

3 I'm going to go back to Exhibit 5.

4 A. I think that's your favorite.

5 Q. I think so too.

_____, _____, _____

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 Q. When Freedom submitted its 2020 HMDA LAR. Were
15 you aware of errors in Freedom HMDA LAR?

16 A. No.

17 Q. On February 26th in Freedom submitted HMDA LAR,
18 was anyone employed by Freedom aware of any errors?

19 A. Not to my knowledge, no.

20 Q. Did anyone employed by Freedom raise their
21 suspicion that there may have been errors in the HMDA
22 LAR to you?

23 A. Not that I recall.

24 ATTORNEY RYAN:

25 Exhibit 17.

1

2 (Whereupon, Exhibit 17, Chat Screenshot,
3 was marked for identification.)

4

5 BY ATTORNEY RYAN:

6 Q. Do you recall these Teams chat?

7 A. I do not.

8 Q. Do you know if these Team chats were with you?

9 A. It appears that they were. Well, I don't know, do
10 I? Why doesn't it say who the other party is?

```
11 Q. Because metadata doesn't print out.
```

12 A. Usually it does. It shows a picture of both
13 people. Like there's a little picture of each person.

14 ATTORNEY LAKE:

15 This is how the document was produced to
16 us by Freedom.

17 THE WITNESS:

18 Well, the guest of Freedom is the other
19 party I guess.

20 BY ATTORNEY RYAN:

_____, _____, _____

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 Q. Did Ms. Brooks make an HR complaint at one point?

20

21 A. Yes, she did.

22 Q. What was that complaint about?

23 A. She complained. She complained about her manager.

24 Q. Who was her manager?

25 A. Tracy Hatt-Doering.

1 Q. Do you remember what the complaint was about?

2 A. Again, there were a lot of things that Brigid
3 suggested. She apparently told HR, you know, different
4 things. I don't recall. I wasn't privy to what she
5 told HR.

6 Q. And Ms. Brooks left Freedom?

7 A. Of her own volition.

8 Q. When did you leave?

9 A. I believe October of last year.

10 Q. And Brigid was, Brigid Brooks was one of the HMDA
11 specialists that you had brought on during 2020 and
12 2021?

13 A. Yes. Yes.

14 Q. Okay.

15 ATTORNEY KIDER:

16 Let's take a break. Okay.

17 ---

18 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

19 ---

20 ATTORNEY RYAN:

21 Exhibit 18.

22 THE WITNESS:

23 Thank you.

24 ATTORNEY RYAN:

25 This one has an email header.

1 THE WITNESS:

2 I know.

3 ATTORNEY KIDER:

4 All right. Take your time and read it
5 over.

6 ---

7 (Whereupon, Exhibit 18, Email 3/16/2021
8 "Ron's Failure" with Chat screenshot, was
9 marked for identification.)

10 ---

11 BY ATTORNEY RYAN:

12 Q. Do you recollect this email?

13 A. I don't recollect it in particular, but I don't
14 doubt it --- I don't doubt its legitimacy.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

[illegible]

[illegible]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

10 Q. Okay.

11 ATTORNEY RYAN:

12 I'd like to mark this as Exhibit 19.

13 ATTORNEY KIDER:

14 Are we done with this one?

15 ATTORNEY RYAN:

16 Yes.

17 THE WITNESS:

18 Thank you.

19 ATTORNEY RYAN:

20 And here we go.

21 ATTORNEY KIDER:

22 Thanks.

23 ---

24 (Whereupon, Exhibit 19, Quality Error

25 Summary Report, was marked for

1 identification.)

2 ---

3 BY ATTORNEY RYAN:

4 Q. I've already introduced Exhibit 10 with bates
5 number 3052. Exhibit 19

6 A. Is this the one?

7 Q. Yes. Exhibit 19 is one of the attachments in the
8 zip file from the QuestSoft summary reports on April
9 10th.

10 A. We're going way back here. That may be the one
11 exhibit that I don't have. Yes, I do have it.

12 Q. This page get emails are ten.

13 A. Okay, you want ten, just ten? Or ten and eleven.

14 Q. Just ten.

Year	Number of cases	Rate per 100,000
2010	1,234	1.2
2011	1,345	1.3
2012	1,456	1.4
2013	1,567	1.5
2014	1,678	1.6
2015	1,789	1.7
2016	1,890	1.8
2017	1,901	1.9
2018	1,912	1.9
2019	1,923	1.9
2020	1,934	1.9

[REDACTED]

[illegible]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

8 BY ATTORNEY RYAN:

9 Q. Switching gears a little bit, do you recall an
10 internal HMDA audit that was conducted in 2018 to 2019?

11 A. Yes.

12 Q. What role did you play in the audit?

13 A. Actually, yes, I do. I generally do. I was the
14 --- I was, I answered questions.

15 Q. Did you provide documents, answer requests from
16 the audit team?

17 A. It depends on what the requests were. I don't
18 remember specifically.

19 ATTORNEY RYAN:

20 I'll label this document Exhibit 20.

21 ---

22 (Whereupon, Exhibit 20, Email Chain
23 10/30/2019 "HMDA Draft Report-
24 Management Responses due 10/29/19", was
25 marked for identification.)

1

2 BY ATTORNEY RYAN:

3 Q. Okay.

4 Do you recognize this email?

5 A. I don't remember it.

6 Q. Do you have any reason to doubt that you received
7 these emails?

8 A. I don't.

9 Q. Okay.

■ [REDACTED] ■

■ [REDACTED]

■ [REDACTED]

4 ATTORNEY RYAN:

5 I'd like to mark this Exhibit 21.

6 ---

7 (Whereupon, Exhibit 21, Email Chain
8 11/21/2019 (EX 20 update), was marked
9 for identification.)

10 ---

11 THE WITNESS:

12 Is there a report?

13 ATTORNEY RYAN:

14 Yes, we're going to get to that.

15 THE WITNESS:

16 Okay.

17 BY ATTORNEY RYAN:

18 Q. Do you recognize these emails?

19 A. Not specifically, but specific.

20 Q. Any reason to doubt that they're authentic?

21 A. No.

22 Q. Okay.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 ATTORNEY RYAN:

12 I'd like to mark this Exhibit 22.

13 ---

14 (Whereupon, Exhibit 22, Email Chain

15 11/20/2019 (EX update 2), was marked

16 for identification.)

17 ---

18 BY ATTORNEY RYAN:

19 Q. Okay.

20 Do you recall this email?

21 A. I do not specifically.

22 Q. Any reason to doubt its authenticity?

23 A. No.

24 Q. Okay.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 ATTORNEY KIDER:

14 Yeah, I don't want you to talk about any
15 conversations with him because it's subject to the
16 attorney/client privilege.

17 THE WITNESS:

18 Okay.

19 ATTORNEY KIDER:

20 So I'm going to instruct him not to talk
21 about any conversations she had with him.

22 ATTORNEY RYAN:

23 Is it your position at all conversations
24 with Mr. Moliter, including ones that were about the
25 amount of time spent with auditors covered by

1 attorney/client privileges?

2 ATTORNEY KIDER:

3 Yes.

4 BY ATTORNEY RYAN:

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

	2019	2020	2021
Revenue	\$18.7 million	\$16.7 million	\$16.7 million
Operating expenses	\$17.5 million	\$16.5 million	\$16.5 million
Operating income	\$1.2 million	\$0.2 million	\$0.2 million
Other income	\$0.1 million	\$0.1 million	\$0.1 million
Income before taxes	\$1.3 million	\$0.3 million	\$0.3 million
Taxes	\$0.1 million	\$0.1 million	\$0.1 million
Net income	\$1.2 million	\$0.2 million	\$0.2 million
Earnings per share	\$0.12	\$0.02	\$0.02

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 ATTORNEY RYAN:

13 Okay.

14 I'd like to introduce Exhibit 23, it is.

15 ---

16 (Whereupon, Exhibit 23, Attachment to
17 Exhibit 21 - HMDA Audit Draft Report, was
18 marked for identification.)

19 ---

20 BY ATTORNEY RYAN:

21 Q. This is the attachment to Exhibit 20.

22 A. All right.

23 Q. Okay.

24 I am going to start on page six.

25 A. Okay.

1 Q. Do you recognize those documents?

2 A. No, not specifically.

3 ATTORNEY KIDER:

4 Are you asking her if she recognizes page
5 six?

6 ATTORNEY RYAN:

7 I'm just asking for a foundation for the
8 document. So does she recognize the document in
9 general?

10 ATTORNEY KIDER:

11 The document.

12 THE WITNESS:

13 I don't recognize it specifically, but it
14 looks like a format that was used at the time.

15 BY ATTORNEY RYAN:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED] [REDACTED]

[illegible]

[illegible]

[illegible]

Row	Bar Length (approx. % of total width)
1	95
2	30
3	35
4	90
5	95
6	25
7	45
8	85
9	90
10	35
11	15
12	65
13	90
14	95
15	45
16	95
17	95
18	95
19	90
20	35

24 Q. Knowing what you know now about Freedom's
25 compliance system as it was at the time, would you

1 still have said today that it's satisfactory?

2 A. Yes.

3 ATTORNEY RYAN:

4 Okay, let's go off the record.

5 * * * * *

6 EXAMINATION CONCLUDED AT 5:03 P.M.

7 * * * * *

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1 E R R A T A P A G E

2 Pursuant to Rule 30(e) of the Federal Rules of Civil
3 Procedure, any changes in form or substance which you
4 desire to make to your deposition testimony shall be
entered upon the deposition with a statement of the
reasons given for making them.

5

6 To assist you in making any such corrections, please
7 use the form below. If supplemental or additional
pages are necessary, please furnish same and attach
them to this errata sheet.

8

9 I, the undersigned, Cynthia Berman, hereby certify under
10 penalty of perjury that I have read the foregoing
deposition and that said deposition is true and
accurate, with the exception of the changes noted
below, if any.

11

12	Page / Line /	Change	/	Reason
13	____ / ____ /	_____	/	_____
14	____ / ____ /	_____	/	_____
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1	Page / Line /	Change	/	Reason
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16	____ / ____ /	_____	/	_____

17

18

Cynthia Berman

19

20 Sworn to and subscribed before me

21 _____,

22 Notary Public, this _____ day of

23 _____, 2024.

24 My commission expires: _____

25

1

2

3

4

CERTIFICATE

5

6 I hereby certify, as the stenographic reporter,

7 that the foregoing proceedings were taken

8 stenographically by me, and thereafter reduced to

9 typewriting by me or under my direction; and that

10 this transcript is a true and accurate record to the

11 best of my ability.

12 Dated the 16th day of April, 2024

13

14

15

16 Jennifer Corb,

17 Court Reporter

18

19

20

21

22

23